

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

United States of America

v.

Frederick Frisalyn Burgess

Crim. No. 4:07-cr-00481-TLW-8

Order

Before the Court is Defendant Frederick Frisalyn Burgess's motion to reduce his sentence reduction under 18 U.S.C. § 3582(c)(2) pursuant to Amendment 782 to the sentencing guidelines. He previously filed a motion for a sentence reduction under Amendment 782, which was denied, and then a motion to reconsider that ruling, which was also denied. ECF Nos. 702, 718, 720, 721. His prior motion for a sentence reduction and the motion to reconsider were denied because he was sentenced as a career offender, and thus the Chapter Four enhancements overrode the Chapter Two calculations.

The basis of the instant motion is not entirely clear, but Defendant appears to be arguing that he is entitled to relief based on Amendment 780, which had the effect of removing the mandatory minimum from consideration for any defendant who received a substantial assistance reduction. That amendment has no relevance to the Court's prior orders, which denied his motion for a sentence reduction because he was classified as a career offender and the career offender enhancement overrode the drug weight calculations in Chapter Two of the guidelines. Nothing in Defendant's current motion alters that conclusion. Accordingly, his motion to reduce sentence, ECF No. 723, is **DENIED**.

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Chief United States District Judge

August 30, 2016
Columbia, South Carolina